

the cost of the city to review and investigate the application and inspect the work in process. A cash deposit shall be required to cover the services of consultants to the city staff to review and investigate the application and inspect the work in process.

(Ord. No. 854, § 1, 11-26-91)

#### **Sec. 9-54. Cash deposit and surety bond.**

Prior to receiving a permit for grading, the applicant shall deposit with the director of public services five hundred dollars (\$500.00) in cash and a surety bond in an amount deemed sufficient by the director of public services to guarantee that all conditions and requirements of the grading permit will be faithfully upheld; that all improvements, including landscaping and landscaping maintenance, will be carried out as, and in the time periods, specified in the permit. The cash deposit and surety bond also will be used by the city, if necessary, to repair, to the satisfaction of the director of public services, any damage caused to the city streets or property by the permittee in the course of grading. The bond shall be executed by sureties approved by the director of public services and shall be in such form as approved by the city attorney. The cash deposit and bond held as security shall be released to the permittee following final inspection of the grading.

(Ord. No. 854, § 1, 11-26-91)

#### **Sec. 9-55. Insurance.**

Prior to receiving a permit for grading, the applicant shall deposit with the director of public services a certificate of a responsible insurance company showing that the applicant is insured in an amount deemed sufficient by the director of public services against any loss or damage to persons or property arising directly or indirectly from the operations of the applicant, or any person acting in or on behalf of the applicant, in carrying on the operations connected directly or indirectly with the grading for which a permit is issued. The applicant shall also deposit with the director of public services an executed release in which the applicant acknowledges all conditions of approval and that the applicant indemnifies and holds the city harmless from any and all claims or causes of action arising either directly or indirectly from the operations of the applicant or any person acting in or on behalf of the applicant in carrying out the

operations connected directly or indirectly with the grading for which a permit is issued.

(Ord. No. 854, § 1, 11-26-91)

#### **Sec. 9-56. Violations and penalties.**

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each day of violation shall be considered a separate offense. Conviction of any such violation is punishable by a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one hundred eighty (180) days or both.

(Ord. No. 854, § 1, 11-26-91)

#### **Secs. 9-57–9-66. Reserved.**

### **ARTICLE VI. FILLING AND DUMPING\***

#### **Sec. 9-67. Permit required.**

No person shall place or deposit or dump on any private property in the city any earthen or other material unless the building official shall have granted a permit to do so.

(Code 1961, § 10.26)

#### **Sec. 9-68. Application for permit.**

No permit to place or deposit or dump earthen or other material on any private property in the city shall be granted except upon the written application of the owner of such property filed with the building official who shall require any such material to be so placed on any private property that the natural drainage of such property and all property adjacent thereto within the same block shall be unaffected by such placing of material thereon.

(Code 1961, § 10.26)

#### **Sec. 9-69. Deposit required.**

Any dumping permit as required by this article may require the applicant to deposit with the building official a sum sufficient in the opinion of the city engineer to assure compliance with the terms of this article including compaction of such material on such property and the construction of any pipe, conduit, retaining wall or other structure reasonably necessary to avoid impeding nat-

\*Editor's note—For the renumbering of this article, see the editor's note at the beginning of this chapter.

ural drainage in, over or across such property and any other adjacent property.  
(Code 1961, § 10.27)

**Sec. 9-70. When application referable to council.**

Any application to dump over fifty (50) yards of material shall be referred to the city council for its approval and for its report to the building official.  
(Code 1961, § 10.26)

**Sec. 9-71. Report on drainage required.**

The building official shall require, at the expense of the applicant, a report from the city engineer of this city of any works or structure appropriate to preserve the natural drainage of surface waters over such property and adjacent property.  
(Code 1961, § 10.28)

**Sec. 9-72. Supervision of operations.**

The building official shall supervise the operation of the dumping of such material to see that it is done in conformity with this article and upon the completion thereof he shall file such application and a copy of such permit, together with a report thereon with the city clerk.  
(Code 1961, § 10.28)

**Sec. 9-73. Conformance with provisions relating to grading and excavating.**

Every applicant for a permit to place or deposit or dump material on private property within the city which has not at the time of such application been subdivided into building lots shall first conform to the provisions of the ordinances of this city which relate to the grading of any area, and shall also conform to the provisions of the ordinances of this city regulating excavation of material.  
(Code 1961, § 10.29)